

## **CHARTER COMMISSION**

**November 25, 2002**

**Bradford Cook, Patrick Duffy,  
Leona Dykstra, Keith Hirschmann,  
Leo Pepino, Robert Shaw, Donna Soucy,  
Nancy Tessier, Michael Wihby**

**6:00 PM  
Aldermanic Chambers  
City Hall, 3<sup>rd</sup> Floor**

In the absence of a Chairman the meeting was called to order by Deputy City Clerk Johnson.

Present: Commissioners Cook, Duffy, Dykstra, Hirschmann, Pepino, Shaw, Soucy, Tessier, Wihby

Deputy Clerk Johnson advised the purpose of the meeting was organizational in nature and requested nominations for Chairperson.

Commissioner Hirschmann nominated Leona Dykstra as Chair. Commissioner Pepino seconded the nomination.

Commissioner Tessier nominated Patrick Duffy. Commissioner Soucy seconded the nomination.

Commissioner Hirschmann moved to close nominations. Commissioner Cook seconded the motion. There being none opposed the motion carried.

Deputy Clerk Johnson called for votes noting there were two nominees, Leona Dykstra and Patrick Duffy. Commissioners Pepino, Wihby, Dykstra, Hirschmann, Shaw voted for Leona Dykstra. Commissioners Cook, Duffy, Tessier, and Soucy voted for Patrick Duffy.

Commissioner Hirschmann moved for one unanimous ballot to be cast for Leona Dykstra for Chairman. Commissioner Cook duly seconded the motion. Commissioner Tessier was recorded in opposition, the vote was not unanimous; Leona Dykstra was declared the Chair.

Deputy Clerk Johnson advised the meeting would now proceed and turned the meeting over to Chairman Dykstra.

Chairman Dykstra called for nominations for Vice-Chairman.

Commissioner Pepino nominated Robert Shaw.

There being no other nominations, Commissioner Hirschmann seconded the nomination and requested a vote. Chairman Dykstra called for a vote. The motion carried with none recorded in opposition.

Chairman Dykstra called for nominations for Secretary.

Commissioner Shaw nominated and moved for Donna Soucy as Secretary. Commissioner Duffy seconded the motion.

There being no further nominations for the office of Secretary, Chairman Dykstra called for a vote. There being none opposed the motion carried.

Chairman Dykstra advised that the Commission may adopt rules and regulations governing the conduct of its meetings. Chairman Dykstra noted that they may adopt in general the rules followed by the Board of Mayor and Aldermen asking what the wishes of the members were.

Commissioner Cook moved that they adopt the rules of the Board of Mayor and Aldermen to govern the deliberations. Commissioner Duffy seconded the motion.

Commissioner Hirschmann stated his support in adopting the aldermanic rules noting there was a conflict of interest clause that was very important that could impact meetings in the future.

Commissioner Pepino noted the only thing wrong with the rules of the Board of Mayor and Aldermen if they accepted them, which he had no problem with, was that the rules could be suspended at any time they wanted.

There being no further discussion, Chairman Dykstra called for a vote. There being none opposed, the motion carried.

Chairman Dykstra advised that the law requires a public meeting for the purpose of receiving information, views, comments, and other pertinent material relative to its functions within 14 days. It was noted that the dates of December 2 and December 4 had been reserved at the pleasure of the commission for the use of the Chambers and MCTV had offered coverage of the meetings.

Commissioner Duffy noted his preference was December 4.

Commissioner Cook noted that the availability of this room is important but it seems to me that's for the public hearing so the public can have input to the process, that's next Monday and Wednesday. He noted that if the news got out today to people that they were going to have hearings that soon that pretty soon given the fact that Thursday and Friday are the Thanksgiving holiday.

Deputy Clerk Johnson advised the Commission that under the law they were required to hold one within the 14 day period, and when the Clerk's office reviewed the dates that was the best available time we could come up with for you.

Commissioner Cook asked if the Commission so desired, could they schedule an additional hearing for the public and concurred that Wednesday would be the better date to give people a little more time to prepare.

Deputy Clerk Johnson responded certainly.

In response to further question the Clerk noted the notice would be published within the legal time frame.

Brief discussion ensued relative to the date. Commissioner Shaw noted that many people had to work nights, and he would like to see one public hearing earlier in the afternoon for people who work nights to give them that opportunity that they have been denied in the past. Chairman Dykstra commented as well on the time noting that the elderly had difficulty with the evening, and perhaps they could have a hearing at 5:00. The Clerk noted they would be flexible.

Following brief discussion, Chairman Dykstra advised the meeting would be held on December 4 at 7:00 PM. City Clerk Bernier noted that parking would be available at the Middle Street Parking Lot for those wishing to attend these public meetings at no charge.

Commissioner Cook stated just so the public knows who the public is in these, when we did this the last time we had designated opportunities for former mayors, former aldermen, present aldermen, department heads and different people to address us on subjects that weren't part of the public hearing and my understanding for the public hearing was for general public to come share their views and not necessarily for all the office holders, and former office holders to do it, if that's our intent which we have not discussed, I would urge for this to be an opportunity for just the general populous and not the people that we probably would consult with to come.

Chairman Dykstra noted we have a public comment or public hearing, anyone can come and if someone is a former alderman we can't stop them, if we feel we can get them positive input from some of these people we can always invite anyone to our meetings ask the Clerk to clarify.

Deputy Clerk Johnson responded yes, the statute actually says "14 days after its organizational meeting the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions" and since it is stated as a public meeting I would advertise it as that, that anyone can come in and comment and provide some basic information to the commission regarding what they would like to see its functions at this time. We did try to provide some information to the commission on the former and current charter, and there was sure to be information from others to come forward as well.

Chairman Dykstra noted that there was \$100.00 in the account for the commission and asked City Clerk Bernier how that worked, stating she knew last time there was an appropriation they had research people all kinds of people that helped them with it.

City Clerk Bernier stated if I can recall I think there was an appropriation of \$25,000. And I think towards the end of your hearings there were a number of staff that the commission hired, but I'm going from memory. It all depends on the wishes of the commission as to what areas of expertise they may need to purchase.

Chairman Dykstra commented last time they had a research person, and did we have an attorney at the end.

Commissioner Cook stated we had a research person, and then we had Mr. Simon as counsel through it, and then we hired another lawyer at the end to review the finished product as well.

City Clerk Bernier noted that they had also purchased services from the City Clerk's office.

Chairman Dykstra stated yes that was right.

Commissioner Shaw stated I think this time that we should skip the hiring and thinking of hiring people until after the public hearing and there was a conflict because we had so many lawyers on the last commission that we kind of didn't want to use the city lawyers, and I'd like us to kind of be frugal with the taxpayers money and if we have employees that can do a task for us I think we should utilize those people within the government. And since we don't have this conflict anymore, we are 8 to 1 on lawyers. It was noted there were two or three.

Commissioner Duffy stated he concurred with Commissioner Shaw's assessment, however, I think it would be helpful if we could hear from the City Clerk's office in terms of what extent they are able to support the commission as it proceeds through its work.

City Clerk Bernier stated as you know our functions change so much we have had five city wide elections in the year, and unfortunately there are two positions that are being held up for funding purposes we had to use money for other areas, so we are limited in support staff for the commission. We will do anything we can for you people but the turnover will be a lot longer than it has in the past.

Commissioner Hirschmann stated that the City Solicitor and the City Clerk are both officers of the Corporation of the City. I would think that they would be ex-officio members of this commission. Maybe there is a fee or a charge to this commission, I don't know how it would be charged off but I would think that if I needed a solicitor's advise at a commission meeting that the City Solicitor would have staff or himself there, so I would want our commission to request the City Solicitor and City Clerk in writing that we are requesting their assistance, and not necessarily, it's my opinion that they belong here I noticed the solicitor has someone in attendance tonight and I would think that they would be in attendance at all our commission meetings. I guess I am asking that this commission send a letter to both of those officers of the City for their support.

Commissioner Shaw seconded the motion to send a letter.

Commissioner Pepino quoted from the Charter it says shall permit it to consult with and obtain advice and information from municipal officers during working hours. So we can communicate with them.

Chairman Dykstra asked if there was an appropriation made at all through the budget and how much if there was.

City Clerk Bernier replied there was \$25,000 that was appropriated.

Commissioner Hirschmann noted that was the last commission.

City Clerk Bernier confirmed for the last commission and \$100 for this one.

Commission Cook stated I think one of the reasons that last time, and I happen to agree with what has been said about being frugal and using the city services, but the last time we ran into the issue that I think that was pointed out to us by the city officers that part of what the charter does is set the parameters of what those officers do, and should the parameters of those office become an issue that has to be dealt with they felt uncomfortable advising us on the parameters of their own jobs, but I think we could probably deal with that first of all I don't think anybody is talking about the parameters of those officers but if they were they could recuse themselves for that discussion, but I think that was one of the points on why, I think it was recommended to us that we get separate counsel then because there would be no appearance of conflict.

Chairman Dykstra commented let's wait to see if we get more than \$100.00 and asked for any further discussion.

Commissioner Shaw noted there was a motion and a second on the letter.  
Chairman Dykstra called for a vote. The motion carried.

City Clerk Bernier requested clarification regarding the clerk's office asking what the expectation was noting a secretary had been elected.

Chairman Dykstra asked what happened last time, noting she saw the clerk's were there all the time and were they paid separately.

City Clerk Bernier responded right, and in turn we hired a staff to help us out with transcription, the volume was unbelievable.

Commissioner Shaw stated I think we should expect the City Clerk's office to support us until at least we become organized beyond our public meetings and for the sake of their capacity, they just have to shift somebody to this position here, in fact we only have \$100.00 until such time as the aldermen vote to give us more than \$100.00 we would expect the City to support our efforts. So we should send a letter and expect a response.

Commissioner Soucy stated I would hope that following our public hearing, once we have had an opportunity to talk among ourselves about the scope of what we intend to consider, we then come up with some type of a recommendation to present to the Board of Mayor and Aldermen for some additional funds. I don't mind preparing agendas, or reviewing items, but I don't think any one of us is prepared to carry the entire clerical workload that this project will put in. I think we need to be realistic about that.

Chairman Dykstra concurred.

Commissioner Pepino stated what I would like to see, there is nine of us here, we are all here for something. I know what I'm here for cause I work with two charters in the past, our chairman has our aldermen has, our mayor has. Now we are all here for something and what I would like to do is say next meeting that we have, come in and say well this is what I would like to do. Now if five of us say no to that, it's dead. If five of us say yes, we will pursue it. Let us see what we are looking at not just keep picking out one thing at every meeting and saying we would like to change this, we would like to change that. Let's more or less set an agenda now which you can always do in the future, change it. But I would like to know why everybody is sitting here cause I know why I am here.

Chairman Dykstra stated I think we are going to need to do that, especially if we have a research person, there is certainly areas we are all interested in. So whatever we do with the charter we are going to need someone in that area, that is something to take into consideration.

Commissioner Tessier asked if it would be possible to do a calendar to look ahead at some of the meetings so that we can plan what nights for work schedules and so forth.

Chairman Dykstra stated I think it's going to be pretty open, because I think we will have our meetings in another room other than this chambers, this is going to be held for our public hearings.

Commissioner Tessier asked if she was planning weekly meetings, bi-weekly meetings, I have another commitment so I need to know.

Chairman Dykstra stated it is really at our will so maybe at the next meeting we can come up with something. I would think that the week of Christmas we would do nothing.

City Clerk Bernier suggested they have the public hearing and after the public hearing have a meeting to decide what direction you are going to take to know how much time it is going to take.

Commissioner Shaw stated it seemed that even tonight they could state a preference noting Thursday evenings were probably least interfering with city business earlier in the evening.

Chairman Dykstra noted they could take that into consideration and discuss it and work something out.

Commissioner Duffy stated my understanding is that Commissioner Pepino made a suggestion relative to subject matter and we switched to dates and times and I'm not sure where that went.

Chairman Dykstra stated at the next meeting he wanted to bring that up.

Commissioner Duffy stated I would hope we would allow the public an opportunity to be heard before we start taking our positions on matter that are of a particular interest to us. My suggestion is that until such time as we have heard from the public we ought to be keeping our specific areas of interest on hold.

Commissioner Tessier stated on commissions that I have worked on there has always been one person who was the spokesperson. I assume as Chairman of this group you will be the spokesperson to the public or to the press.

Chairman Dykstra stated I have no problem in that but it depends on who the press calls, if they don't call me then someone else will have to answer the questions.

Chairman Dykstra noted that last time they would call various members of the commission for comments.

Commissioner Tessier noted that press releases should come from the chair.

Chairman Dykstra stated if I ever did anything I certainly would get the vote of the commission before I did that to make sure we are all on the same wave length.

Discussion ensued relative to calls from the press the previous evening which were made to all members.

Commissioner Hirschmann commented that he agreed with Commissioner Duffy's assessment that they should wait for the public hearings, he thought the public input was the most important process of this commission's task is to listen to the



public, stating I feel that we were elected for charter review and that the complete charter should be under review at this point; that there are no areas of the charter that we should brush aside; that we should listen to the public and do our duty as elected commissioners and move forward from there. I want to look at this charter and eliminate any ambiguities that exist.

Chairman Dykstra noted that the complete charter will be open for discussion and they would be fair about that, they would look at everything.

There being no further business to come before the Commission, on motion of Commissioner Hirschmann, duly seconded by Commissioner Duffy, it was voted to adjourn.

Respectfully submitted,

Carol A. Johnson  
Deputy City Clerk

Approved for submission: \_\_\_\_\_  
Donna Soucy, Secretary